

Appl. No. 09/886,828
Atty. Docket No. 7897R3
Amdt. dated September 29, 2003
Reply to Office Action of March 28, 2003
Customer No. 27752

REMARKS

Applicants wish to thank Examiner Befumo for the interview on August 19, 2003. As agreed in the interview, Applicants have ensured that all independent claims state that the bond site has an aspect ratio of greater than about 3. Additionally, a declaration showing the criticality of the aspect ratio is included.

Claims 1 and 10 are pending in the present application. No additional claims fee is believed to be due.

Claims 2-9 are canceled without prejudice. Claims 1 has been amended to include a Markush group containing the articles formerly contained in Claims 2-9 and to specify that the aspect ratio is 3. New claim 10 has been added. Claim 10 includes a width limitation for the bond site. Support for the limitation is on page 11, line 12-15.

Drawings

Applicants are submitting corrected formal drawings showing a change to Fig. 10 and new copies of the photographs shown in Figs. 8, 17A and 17B. Applicants believe the formal drawings to be consistent with 37 C.F.R. §1.83(a) and M.P.E.P. §608.02(r).

Obviousness Double Patenting

The Examiner has rejected Claims 1-9 for obviousness-type double patenting over Claims 1-3 of co-pending Application No 09/886,740; over Claims 6-15 of co-pending Application No. 09/886,730; over Claims 6-10 of co-pending Application No. 09/886,829; over Claims 10-27 of co-pending Application No. 09/467,938; over Claims 1-9 and 21-30 of co-pending Application No. 09/584,676; over Claims 1-20 of co-pending Application No. 09/553,641; and over Claims 1-20 of co-pending Application No. 09/553,871.] Pursuant to M.P.E.P. §1490, Applicants enclose an appropriate Terminal Disclaimer compliant with 35 U.S.C. §253 and 37 C.F.R. §3.73.

Rejection Under 35 USC 112, Second Paragraph

The Examiner has rejected Claim 8 as being indefinite under 35 USC 112, Second Paragraph. Claim 8 has been canceled, thereby rendering this rejection moot.

Rejection Under 35 USC 103

The Examiner has rejected Claims 1-9 under 35 USC 103(a) as being unpatentable over Srinivasan, et al. (U.S. Patent No. 5,851,935) in view of McCormack, et al. (U.S. Patent No. 5,964,742) and over Palumbo (WO 96/10979). As discussed with the Examiner, none of the above cited references discloses an aspect ratio of greater than about 3. As stated and shown in the attached declaration, the aspect ratio is critical to the claimed laminate web. With an aspect ratio of one, as disclosed in the prior art, the resulting laminate web does not form apertures of similar shape and size that are located at the bond sites. Apertures are only formed randomly and are some times only partially formed. When the aspect ratio of the bond sites is greater than about 3, the apertures are consistently and uniformly formed at the bond sites. This is shown by the Applicant in the attached declaration.

Also discussed with the Examiner, McCormack et al. does not teach the use of a bond sites with an aspect ratio greater than 3 for a laminate such as the present invention. McCormack et al. states that the novel S-weave pattern may be used to self-bond fabrics and should be distinguished from patterns made to laminate materials together which are significantly different. (column 11, lines 1-3)

The attached declaration and remarks have shown that the claimed aspect ratio critically changes the structure of the laminate and that the laminate with an aspect ratio of greater than 3 is patentably distinct from the prior art articles. The claimed aspect ratio is critical to the function of the article and is not taught or disclosed in the prior art. Therefore, one having ordinary skill in the art would not have been motivated to develop the present invention based on the prior art.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing,

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Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 and 10.

Respectfully submitted,

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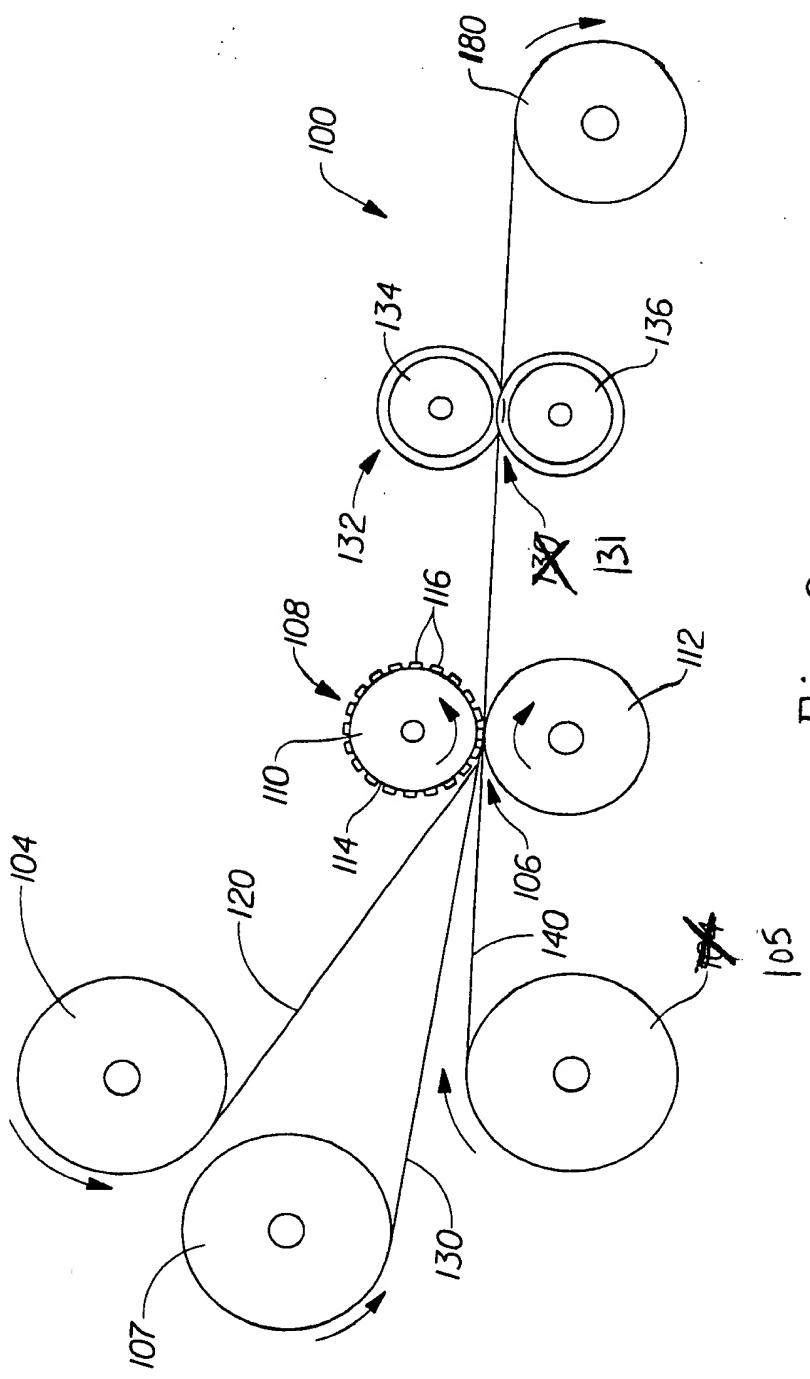


Fig. 9